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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,941	12/18/2000	Piotr Cofta	460-010020-US (PAR)	4785

7590 04/28/2005

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,941

Applicant(s)

COFTA ET AL.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is in response to the communication filed on March 31, 2005.

Amended Claims 1 – 10 filed on October 24, 2004 are pending.

### ***Response to Arguments***

2. Applicant's arguments, see Pages 6 – 9, filed on March 31, 2005, with respect to Claims 1 - 10 have been fully considered and are persuasive. The rejection of Claims 1 – 10 has been withdrawn. However, arguments with respect to Claims 1 – 10 are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shear et al. (U.S. Patent Number 6,157,721).

4. Regarding Claim 1, Shear teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, the program modules are provided with first tags, wherein to start binding, the program makes a call to a subroutine, and the call is supplemented with the first tags to select the program module for binding, in which the called subroutine is stored, wherein the tags are supplemented with second tags, that the call is also supplemented with said second call data, and that in connection with the binding, said first tags stored in the program modules are compared with the first tags transmitted in the call, and the second tags are compared with the second call data transmitted in the call, and the program module to be bound is selected to be the program module which matches with the first tags and the second call data transmitted in the call (Fig. 14; Column 9 line 43 – Column 10 line 59 and Column 20 line 1 – Column 21 line 5).

5. Regarding Claim 7, Shear teaches and describes a terminal comprising means for binding a program module, which program modules contain stored subroutines and first tags, and which terminal also comprises means for running programs, means for standing binding by performing in the program a call to a subroutine, the call being supplemented with first call data to select that program module for binding in which the called subroutine is stored, wherein the program modules contain stored second tags; that the terminal also comprises means for adding second call data to the call, means for comparing said first tags stored in the program modules with the first call data transmitted in the call, means for comparing the second tags with the second call data transmitted in the call, and means for selecting a program module to be bound on the basis of said comparison (Fig. 14; Column 9 line 43 – Column 10 line 59 and Column 20 line 1 – Column 21 line 5).

6. Claims 2 and 8 are rejected as applied above in rejecting claims 1 and 7. Furthermore, Shear teaches wherein the second tags to be formed in the program modules contain a digital signature (Fig. 14 and Column 9 line 43 – Column 10 line 59).

7. Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Shear teaches wherein the second tags to be formed in the program modules are stored in an encrypted form (Column 6 lines 5 – 52 and Column 20 lines 1 – 11).

8. Claims 6 and 10 are rejected as applied above in rejecting claims 1 and 7.

Furthermore, Shear teaches where program modules are stored in a server communicating with a digital network, wherein the terminal used is a mobile terminal and the binding of the program modules is performed at least partly by messages complying with the WAP protocol (Column 13 lines 60 – 66, Column 17 lines 13 – 22 and Column 18 lines 3 - 18).

9. Claims 3, 5 and 9 are rejected as applied above in rejecting claims 2, 4 and 8.

Furthermore, Shear teaches wherein the second call data are supplemented with a public key, on the basis of which the digital signature of the second call data formed in the program module is verified (Column 15 line 66 – Column 16 line 11).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

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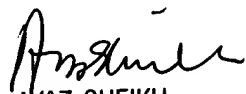
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

April 18, 2005.

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100